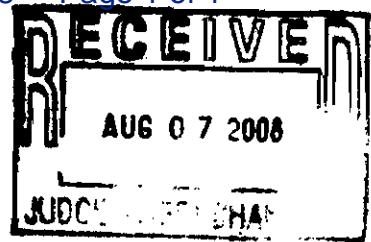


UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK



AXION POWER INTERNATIONAL, INC.,  
WILLIAM AND TRACY AHEARN, b/w,  
SALLYONNER, and JAMES SMITH, M.D.,

07 CV 11493  
(RWS) (AJP)

Plaintiffs,

-against-

MERCATUS & PARTNERS, LTD.,  
CARI MASI a/k/a CARY MASI,  
STEPHANO CEVALO,  
AND DWIGHT PARSCALE,

STIPULATION  
EXTENDING TIME  
TO ANSWER FOR  
DWIGHT PARSCALE

Defendants.

IT IS HEREBY STIPULATED AND AGREED by and between counsel for the respective parties that Dwight Parscale's time to file an answer, move or to otherwise respond to the Amended Complaint, dated May 6, 2008, is extended until August 31, 2008; and

IT IS FURHER STIPULATED AND AGREED that this Stipulation may be executed in counterparts, and a signature transmitted by telecopier or pdf image may be filed as an original.

Dated: Commack, New York  
July 18, 2008

FELLHEIMER & EICHEN, LLP.

By: Alan S. Fellheimer, Esq. (AF-1401)  
Attorneys for Plaintiffs  
44 Wall Street, 12<sup>th</sup> Floor  
New York, New York 10005  
Tel. No. (212) 461-7142

THE LAW OFFICES OF  
JAMES A. PRESTIANO, P.C.

By: James A. Prestiano, Esq. (JP-6699)  
Attorneys for Dwight Parscale  
631 Commack Road, Suite 2A  
Commack, New York 11725  
Tel. No. (631) 499-6000

So Ordered:

Hon. Robert W. Sweet Paul A. Crotty - Part I  
United States District Judge

